

Assembly Bill No. 2116

Passed the Assembly August 24, 2006

Chief Clerk of the Assembly

Passed the Senate August 22, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 8592.1, 8592.4, and 8592.5 of the Government Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2116, Cohn. Emergency services: disaster assistance: equipment.

Existing law requires the Public Safety Radio Strategic Planning Committee to make recommendations for state agency purchase of communications equipment that will enable interoperability and other shared uses of the public safety spectrum with local and federal agencies.

This bill would specify that the recommended equipment be public safety radio subscriber equipment that also conforms to governmental standards for interoperability and, as technology evolves, that the equipment or systems be nonproprietary and have open architecture and backward compatibility. The bill would authorize the committee to recommend this equipment to any other federal, state, regional, or local entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum.

The bill would define “nonproprietary equipment or systems,” “open architecture,” “backward compatibility,” and other related terms, for these purposes.

The bill would require a local first response agency that purchases public safety radio communication equipment with state funds or federal funds administered by the state, to ensure that the equipment purchased complies with certain specifications.

This bill would incorporate additional changes to Section 8592.1 of the Government Code proposed by AB 2041, to be operative if this bill and AB 2041 are enacted and become effective January 1, 2007, and this bill is enacted last.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The need to enhance the ability of public safety agencies from neighboring cities, adjacent counties, and across the state to communicate with one another during emergencies has become more evident and essential since the terrorist attacks on September 11, 2001. The events of September 11, as well as recent federally declared natural disasters, clearly demonstrated the need for law enforcement, firefighters, emergency medical services personnel, and related public and private agencies that have public safety responsibilities to be able to effectively communicate in times of need so resources can be properly utilized and lives can be saved.

(b) Currently in this state, the ability of public safety agencies to communicate with each other is largely impossible because of all the different communications systems and frequencies being utilized by the various public safety agencies. This problem has been examined by the California Statewide Interoperability Executive Committee, the Public Safety Radio Strategic Planning Committee, and the Legislature.

(c) As we move to develop regional communications systems, the governance of the systems will be the key to success. There are some basic elements that must be included for any regional system to work effectively. These elements include the following:

(1) Regional systems should be established taking into consideration topography, contiguous urban areas, and operational efficiency with respect to response agreements with local public safety agencies and, at minimum, should serve a county and be capable of interlinking with other systems simultaneously in real time.

(2) Regional systems must be compliant with current and applicable standards.

(3) Regional systems should be developed based on a shared governance model, the use of joint powers agreements is one workable model. The governance board responsibilities would include, but not be limited to, establishing advisory committees

to develop recommendations on system operational issues, technical upgrades, and system financial planning.

(4) Regional systems should be developed using costing models that include subscriber fees that cover system operational costs, personnel needed to manage the network, technical upgrades or enhancements, and system replacement costs.

(5) Regional systems should be sized to include sufficient frequency capacity to serve all public interests including state, county, local government, and special districts.

(6) Regional systems must be developed in conjunction with ongoing regional and statewide planning efforts to ensure coordination of adequate frequency and protocols that will facilitate the linking of systems-to-systems as a means of achieving a statewide interoperable communications network.

SEC. 2. Section 8592.1 of the Government Code is amended to read:

8592.1. For purposes of this article, the following terms have the following meanings:

(a) “Backward compatibility” means that the equipment is able to function with older, existing equipment.

(b) “Committee” means the Public Safety Radio Strategic Planning Committee, which was established in December 1994 in recognition of the need to improve existing public radio systems and to develop interoperability among public safety departments, and between state public safety departments and local or federal entities and which consists of representatives of the following state entities:

- (1) The California Highway Patrol.
- (2) The Department of Transportation.
- (3) The Department of Corrections and Rehabilitation.
- (4) The Department of Parks and Recreation.
- (5) The Department of Fish and Game.
- (6) The Department of Forestry and Fire Protection.
- (7) The Department of Justice.
- (8) The Department of Water Resources.
- (9) The Office of Emergency Services.
- (10) The Emergency Medical Services Authority.
- (11) The Department of the Youth Authority.
- (12) The Department of General Services.
- (13) The Office of Homeland Security.

(c) “Nonproprietary equipment or systems” means equipment or systems that are able to function with another manufacturer’s equipment or system regardless of type or design.

(d) “Open architecture” means a system that can accommodate equipment from various vendors because it is not a proprietary system.

(e) “Public safety radio subscriber” means the ultimate end user. Subscribers include individuals or organizations, including, for example, local police departments, fire departments, and other operators of a public safety radio system. Typical subscriber equipment includes end instruments, including mobile radios, hand-held radios, mobile repeaters, fixed repeaters, transmitters, or receivers that are interconnected to utilize assigned public safety communications frequencies.

(f) “Public safety spectrum” means the spectrum allocated by the Federal Communications Commission for operation of interoperable and general use radio communication systems for public safety purposes within the state.

SEC. 2.5. Section 8592.1 of the Government Code is amended to read:

8592.1. For purposes of this article, the following terms have the following meanings:

(a) “Backward compatibility” means that the equipment is able to function with older, existing equipment.

(b) “Committee” means the Public Safety Radio Strategic Planning Committee, which was established in December 1994 in recognition of the need to improve existing public radio systems and to develop interoperability among public safety departments, and between state public safety departments and local or federal entities and which consists of representatives of the following state entities:

(1) The Office of Emergency Services, who shall serve as chairperson.

(2) The California Highway Patrol.

(3) The Department of Transportation.

(4) The Department of Corrections and Rehabilitation.

(5) The Department of Parks and Recreation.

- (6) The Department of Fish and Game.
- (7) The Department of Forestry and Fire Protection.
- (8) The Department of Justice.
- (9) The Department of Water Resources.
- (10) The State Department of Health Services.
- (11) The Emergency Medical Services Authority.

- (12) The Department of General Services.
- (13) The Office of Homeland Security.
- (14) The Military Department.
- (15) Department of Finance.

(c) “First response agencies” means public agencies that, in the early states of an incident, are responsible for, among other things, the protection and preservation of life, property, evidence, and the environment, including, but not limited to, state fire agencies, state and local emergency medical services agencies, local sheriffs’ departments, municipal police departments, county and city fire departments, and police and fire protection districts.

(d) “Nonproprietary equipment or systems” means equipment or systems that are able to function with another manufacturer’s equipment or system regardless of type or design.

(e) “Open architecture” means a system that can accommodate equipment from various vendors because it is not a proprietary system.

(f) “Public safety radio subscriber” means the ultimate end user. Subscribers include individuals or organizations, including, for example, local police departments, fire departments, and other operators of a public safety radio system. Typical subscriber equipment includes end instruments, including mobile radios, hand-held radios, mobile repeaters, fixed repeaters, transmitters, or receivers that are interconnected to utilize assigned public safety communications frequencies.

(g) “Public safety spectrum” means the spectrum allocated by the Federal Communications Commission for operation of

interoperable and general use radio communication systems for public safety purposes within the state.

SEC. 3. Section 8592.4 of the Government Code is amended to read:

8592.4. (a) The committee shall determine which state public safety departments listed in subdivision (b) of Section 8592.1 need new or upgraded communication equipment and shall establish a program for equipment purchase. In establishing this program, the committee shall recommend the purchase of public safety radio subscriber equipment that will enable state agencies to commence conforming to industry and governmental standards for interoperability as set forth in Section 8592.5. As technology continues to evolve, the committee shall recommend the purchase of nonproprietary equipment or systems that have open architecture and backward compatibility, and that are in compliance with paragraphs (1) and (2) of subdivision (a) of Section 8592.5.

(b) The committee may recommend to any other federal, state, regional, or local entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum, the purchase of public safety radio subscriber equipment that will enable first response agencies to commence conforming to industry and governmental standards for interoperability as set forth in paragraphs (1) and (2) of subdivision (a) of Section 8592.5. As technology continues to evolve, the committee may recommend the purchase of nonproprietary equipment or systems that have open architecture and backward compatibility, and that are in compliance with paragraphs (1) and (2) of subdivision (a) of Section 8592.5.

(c) This section does not mandate that a state or local governmental agency affected by this section is required to compromise its immediate mission or ability to function and carry out its existing responsibilities.

SEC. 4. Section 8592.5 of the Government Code is amended to read:

8592.5. (a) Except as provided in subdivision (c), a state department that purchases public safety radio communication equipment shall ensure that the equipment purchased complies with applicable provisions of the following:

(1) The common system standards for digital public safety radio communications commonly referred to as the “Project 25 Standard,” as that standard may be amended, revised, or added to in the future jointly by the Associated Public–Safety Communications Officials, Inc., National Association of State Telecommunications Directors and agencies of the federal government, commonly referred to as “APCO/NASTD/FED.”

(2) The operational and functional requirements delineated in the Statement of Requirements for Public Safety Wireless Communications and Interoperability developed by the SAFECOM Program under the United States Department of Homeland Security.

(b) Except as provided in subdivision (c), a local first response agency that purchases public safety radio communication equipment, in whole or in part, with state funds or federal funds administered by the state, shall ensure that the equipment purchased complies with paragraphs (1) and (2) of subdivision (a).

(c) Subdivision (a) or (b) shall not apply to either of the following:

(1) Purchases of equipment to operate with existing state or local communications systems where the latest applicable standard will not be compatible, as verified by the Telecommunications Division of the Department of General Services.

(2) Purchases of equipment for existing statewide low-band public safety communications systems.

(d) This section may not be construed to require an affected state or local governmental agency to compromise its immediate mission or ability to function and carry out its existing responsibilities.

SEC. 5. Section 2.5 of this bill incorporates amendments to Section 8592.1 of the Government Code proposed by both this bill and A.B. 2041. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2007, (2) each bill amends Section 8592.1 of the Government Code, and (3) this bill is enacted after A.B. 2041, in which case Section 2 of this bill shall not become operative.

Approved _____, 2006

Governor